

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:) Case No.: 22-31523jpg
Tamara Lynn Calvin) Judge: Gustafson
aka Tamara Zapata)
Debtor) Chapter 7

**MOTION TO AVOID JUDICIAL LIEN OF HEATHER SMART, ADMINISTRATRIX
OF THE ESTATE OF JONATHAN SMART (HENRY COUNTY LIEN # 22JL0486)**

Now comes the Debtor, Tamara Lynn Calvin aka Tamara Zapata, by and through undersigned counsel, and respectfully moves this Court pursuant to 11 U.S.C. § 522(f) to avoid the judicial lien of Heather Smart, Administratrix of the Estate of Jonathan Smart, lien number 22JL0486 in Henry County (Ohio) Lien Records, on the basis that said lien impairs an exemption to which the Debtor is or would otherwise be entitled under 11 U.S.C. § 522(b).

The judicial lien has been levied against the Debtor's interest in her personal residence located at and commonly known as 227 Yeager Street, Napoleon, OH 43545.

The sum of said lien, plus all other liens on the property, plus the amount of the exemption that the Debtor could claim if there were no liens on the property, are as follows:

Heather Smart, Administratrix (22JL0486): \$ 465,954.86

Plus, all other liens: \$ 19,419.26

Debtor's exemption: \$ 125,000.00

Liens and exemption: \$ 610,374.12

Value of Debtor's interest in property \$ 28,270.00
in 227 Yeager Street, Napoleon, OH

Liens/exemption less value of Debtor's: \$ 582,104.12
interest in 227 Yeager Street, Napoleon, OH

The judicial lien of Heather Smart, Administratrix of the Estate of Jonathan Smart, lien number 22JL0486 in Henry County (Ohio) Lien Records impairs the exemption to which the Debtor is or would be entitled under 11 U.S.C. § 522(b).

WHEREFORE, the Debtor moves the Court to enter an order avoiding the judicial lien of Heather Smart, Administratrix of the Estate of Jonathan Smart, lien number 22JL0486 in Henry County (Ohio) Lien Records, and granting such other relief as may be appropriate.

Date: 10/08/2022

/s/ Jeffrey J. Horvath
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Attorney for Debtor

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(a)

Please take notice that, pursuant to Local Bankruptcy Rule 9013-1(A)(2), any objection to the above pleading must be filed within 14 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on this certificate of service, if the relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Debtor's *Motion to Avoid Judicial Lien of Heather Smart, Administratrix of Estate of Jonathan Smart* (lien # 22JL0486) has been served this 8th day of October, 2022, by via electronic notice upon the following:

Chapter 7 Trustee
Douglas A. Dymarkowski
ch7trusteeoffice@gmail.com, ecf.alert+Dymarkowski@titlexi.com; doug.dadlaw@bex.net
(Served via ECF)

United States Trustee
United States Trustee
Ustp.region09@usdoj.gov
(Served via ECF)

And via ordinary U.S. mail this 8th day of October, 2022 to the following:

Heather Smart, Adm. of Estate of Jonathan Smart
1126 Oakwood Ave.
Napoleon, OH 43545

Amber L. Niese
P.O. Box 99
Miller City, OH 45864
Attorney for Heather Smart, Administratrix

/s/ Jeffrey J. Horvath
Jeffrey J. Horvath (0073336)